

REMARKS

Claims 1-50 are pending in the application. Claims 1-44 and 46-50 are cancelled and the names of inventors Boldi, Krueger, Hopkins, and Keaney are deleted from the application. Applicants reserve their right to later pursue the subject matter of cancelled Claims 1-44 and 46-50 in continuation, continuation-in-part, or divisional applications. Applicants believe no new matter is added by the instant amendments.

Claim 45 is directed to certain aminofuranose compounds and would be the only claim remaining in the instant application if the above amendment to the claims is entered. Applicants believe that the only remaining currently named inventor, Michael A. Walters, is the sole inventor of the invention of Claim 45. Applicants further believe that inventors Boldi, Krueger, Hopkins, and Keaney are not inventors of the invention of Claim 45 and that the invention of the inventors Boldi, Krueger, Hopkins, and Keaney is no longer claimed in the instant application. Accordingly, the names of the inventors Boldi, Krueger, Hopkins, and Keaney have been deleted as required by 37 C.F.R. § 1.48(b).

Domestic Priority Under 35 U.S.C. § 119(e)

Applicants' note that acknowledgement has not yet been made of a claim for priority under 35 U.S.C. §119(e) to provisional application of serial number 60/263,534, filed January 22, 2001. This priority was claimed in Applicants' combined Declaration and Power of Attorney for Patent Application filed concurrently with the instant patent application. Applicants respectfully request the acknowledgement.

Election/Restriction under 35 U.S.C. §121

The Examiner alleges that restriction under 35 U.S.C. §121 for examination purposes is required. For convenience, Applicants incorporate by reference the inventions of Groups I to [VIII] listed in item 1. of the above-referenced Office Action.

Regarding items 1. to 30. of the above-referenced Office Action, Applicants hereby elect without traverse the invention of Group IV, "Claims 33 and 45 are drawn to a method for synthesizing the compound of Formula 7', classified in class 536, subclass 18.7+." Applicants note that Claim 33 has been cancelled.

Regarding items 31. and 32. of the above-referenced Office Action, respectfully Applicants cannot elect a single disclosed species of Group IV, Claim 45, as the precondition therefor under 37 C.F.R. § 1.146 of the existence of a claim to more than one patentably distinct species embraced thereby is not met by the instant application.

Regarding item 33. of the above-referenced Office Action, Applicants note that the instant amendment under 37 C.F.R. § 1.48(b) deletes currently named inventors who are no longer inventors of at least one claim remaining in the application due to the cancellation of Claims 1-44 and 46-50 by the instant amendment.

Applicants note the remarks in item 34. of the above-referenced Office Action.

In view of the amendments and the above-remarks, Applicants deem that a satisfactory response to the restriction requirement under 35 U.S.C. §121 has been made.

Applicants respectfully request acknowledgement of their claim for domestic priority under 35 U.S.C. § 119(e), deletion of the names of inventors Boldi, Krueger, Hopkins, and Keaney from the application, examination of Claim 45 of the elected invention, and advancement of the application with Claim 45 to allowance.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to deposit account number 23-0455.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case.

Respectfully submitted,

Date: May 1, 2003

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